

Maryland
Department of the
Environment -
Permitting of
Composting and
NWWRF

Summary

How MDE thinks / functions

Categories of Permits

Types of Permits applicable to Composting /
NWWRF

Quirks of the System

Recommendations to Zoning Code

MDE – How they think/function

MDE Programs:

- Air and Radiation Management

 - Air

- Water

 - Surface Water

 - Stormwater

 - Groundwater

- Land

 - Recycling

 - Waste

MDE – How they think/function

MDE Programs:

- Air and Radiation Management

 - Air

- Water

 - Surface Water

 - Stormwater

 - Groundwater

- Land

 - Recycling (Composting)

 - Waste (Natural Wood Waste Recycling)

MDE – Categories of Permits

Individual Permits

General Permits

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Individual Permits

General Permits

- Most Common
- Easiest to apply
- Agree to follow rules

MDE – Categories of Permits

Individual Permits

- Unusual systems
- Waivers from rules can be approved, if...
- Public notice and meetings

General Permits

- Most Common
- Easiest to apply
- Agree to follow rules

MDE – Categories of Permits

Individual Permits

- Unusual systems
- Waivers from rules can be approved, if...
- Public notice and meetings

General Permits

- Most Common
- Easiest to apply
- Agree to follow rules
- Public comment only on General Permit – not individual sites

MDE – Categories of Permits

Water (NPDES)

Construction (Sediment/Erosion Control)
- General

Stormwater – General or Individual

Surface Water – Individual only

Land

Composting – General or Individual

Natural Wood Waste Recycling – General
or Individual

Refuse – Individual only

What kinds of MDE permits are needed at Jane's Mulch

Air

- Air Permit - Grinder >500 hp

Water

- NPDES for Construction Activity - >1 acre grading
- NPDES Industrial Stormwater – Timber Products
- Water appropriation permit – well or pond use

Land

- Natural Wood Waste Recycling Permit - General

What kinds of MDE permits are needed at Jean's Compost

Air

- Air Permit - Grinder >500 hp

Water

- NPDES for Construction Activity - >1 acre grading
- NPDES Industrial Stormwater – Timber Products(?)
- Water appropriation permit – well or pond use
- Local wastewater disposal permit

Land

- Composting permit - General

MDE Enforcement

- Water is separate from Land and Air
- Permit Writers and Enforcement are separate teams
- Land inspectors cover all subjects covered in the permit.
- Permits are written “Trust but Verify.”
- May call supervisor or report activity to the other program.
- Enforcement starts with identifying the problem and requiring repair / remediation within a timeframe.

Organics Processing

Natural Wood Waste
Recycling Facilities

Composting Facilities

Statute Driven – State
Legislature wrote base
law

Permit General
Conditions set the details

Not as restrictive as fire
code or compost
regulations

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Composting Facilities

MDE was directed by
Legislature to write
something

Driven by Water program

Detailed and prescriptive

Permit may be similar to
the regulation

Quirks of this process

- Statutes (Legislature) create framework, but permits (Agencies) often are more detailed.
- Conditions of General Permit are issued after application is made.
- Municipalities have many exemptions – this makes inconsistency – challenging for inspectors.
- Once issued, General Permits have no public participation.
- Permits say “You must follow all local laws and conditions.” but neither MDE nor permittee is required to notify local stakeholders.

Quirks of NWWRF

- MDE thinks that largest risk is fire but doesn't require any coordination with local Fire Marshals.
- Multiple definitions allow yard trim at NWWRF but facilities that **primarily process yard trim** are Composting Facilities.
- Regulations are not specific which activities are “in support of mulching activities”.
- Mulch producers must report annually to the State, but do not have to give the data to County's who must also report these numbers to the State.
- There is no site defined as too small for a NWWRF

Quirks of NWWRF

- The list of items that Department of Planning and Zoning (HC DPZ) requests for review is different than submitted to MDE.
- Mulch rules at Refuse Disposal facilities (landfills) are different than NWWRF general permits.
- Every 5 years, a facility must renew its NWWRF Permit. No resubmission or update is required for DPZ or the Fire Marshall.

Quirks of Composting Facilities

- Compost (the “product”) is regulated by MD Dept of Agriculture (MDA).
- Composting (the “process”) is regulated by MD Dept of Environment.
- Currently only bio-solids composting and trash composting are regulated.
- New regulations will be finalized in 12/2014.
- Mulch is not regulated by MDA. Some facilities make “leaf mulch” instead of “compost” to get around the rules. – Mostly small local gov’ts.

Quirks of Composting Facilities

- Howard County regulates “yard waste composting” in Zoning code. Regulation includes no language regarding food scrap, manure, or bio-solids.
- New regulations include a classification system for feedstocks – not consistent with HC Zoning code.
- Farms may use less than 1 acre for composting without a permit. Non-farms: 1/8 acre.
- Compost producers must report annually to the State, but do not have to give the data to County’s who must also report these numbers to the State.

Quirks of Composting Facilities

- The list of items that HC DPZ requests for review is different than submitted to MDE.
- Local governments have the option to either get a new Compost Facility permit or incorporate similar regulations into their landfill permit.
- Every 5 years, a facility must renew its Compost Facility Permit. No resubmission or update is required for DPZ.